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MEMO ENDORSED

March 12, 2024

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Leyvi Castillo
Ind. No. 18 CR 879 (SHS)

Dear Judge Stein:

This letter is respectfully submitted to request that ~~the Court approve an early termination of Leyvi Castillo's term of supervised release.~~ Mr. Castillo's probation officer, Mike Estreicher, has no objection, however the government opposes.

Background

Mr. Castillo was charged along with many other codefendants in a scheme from 2009 to 2015 that defrauded the government by filing false tax returns to generate refunds. He was arrested on November 14, 2018. On March 12, 2020, he entered a plea of guilty to conspiracy to commit wire fraud in violation of 18 U.S.C. §1349. He was sentenced on October 27, 2021 to 20 months in prison to be followed by a term of supervised release of 3 years. The sentence also provided for restitution and forfeiture.

Mr. Castillo reported to the Bureau of Prisons on January 14, 2022 as directed to begin serving his sentence. On or about October 13, 2022 he was sent to a Bureau of Prisons halfway house in the Bronx, his county of residence. He was released from the halfway house to his residence on or about February 13, 2023.

4/18/24
application
granted.
S.O. ordered.
S. H. Stein
U.S.D.J.

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Current Status

Mr. Castillo has been on supervised release since going home in February of 2023, a period of 13 months. His probation officer reports that there have been no issues. Mr. Castillo has been in compliance with the terms of supervised release. He calls in once a month, and essentially is fully functioning without the need for any meaningful supervisory intervention. He is regarded as a low risk category, and as such his probation officer has no objection to the early termination of supervised release. He has a job making deliveries. He and his wife have five children with a sixth on the way.

Law

Section 3564(c) of Title 18 reposes discretion with the Court, after consideration of the §3553(a) factors, to terminate probation and discharge a defendant after one year. Supervision imposes an inevitable burden. Mr. Castillo cannot move, travel or make any significant changes in his life without the approval of his probation officer. The Supreme Court has recognized that probation is a substantial restriction of an individual's freedom. *Gall v. United States*, 552 U.S. 38, 48 (2007) and *United States v. Knights*, 534 U.S. 112, 119 (2001) ("Inherent in the very nature of probation is that probationers do not enjoy the absolute liberty to which every citizen is entitled.") (*quoting Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987)). On his behalf, Mr. Castillo respectfully submits that early termination from supervised release "is warranted by the conduct of the defendant and the interest of justice."¹

Respectfully submitted,

Michael
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Digitally signed by Michael
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Michael H. Sporn

MHS/ss
Cc: Daniel G. Nessen, Esq.
Mike Estreicher, U.S.P.O.

¹ See 18 U.S.C. §3564(c).